

Report Date: December 31, 2018

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 02 2019

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Eric Lynn Heartburg Case Number: 0980 2:04CR00061-WFN-1
Address of Offender: 3827 East 4th Avenue, Spokane, Washington 99202
Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
Date of Original Sentence: June 14, 2004
Original Offense: Armed Bank Robbery, 18 U.S.C. § 2113(a) and (d); Use of a Firearm During a Crime of Violence, 18 U.S.C. § 924(c)(1)
Original Sentence: Prison - 120 months; Type of Supervision: Supervised Release
TSR - 36 months
Revocation Sentence: Prison - 20 days;
(August 13, 2018) TSR - 34 months
Asst. U.S. Attorney: Stephanie A. Van Marter Date Supervision Commenced: August 27, 2018
Defense Attorney: Federal Defender's Office Date Supervision Expires: June 26, 2021

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Standard Condition # 2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. Heartburg is alleged to have violated standard condition number 2 by failing to report to the undersigned officer as directed on December 28, and 31, 2018.

On December 26, 2018, the undersigned officer sent Mr. Heartburg a text message. He responded he was unable to talk right now. He further advised he was currently in drug and alcohol treatment at Pioneer Human Services.

On December 27, 2018, the undersigned attempted to contact Mr. Heartburg on the phone and there was no answer. The undersigned also sent Mr. Heartburg a text message directing him to contact this officer. After no response, another text message was sent to Mr.

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Heartburg directing him to report to the probation office on December 28, 2018, at 8:30 a.m. He failed to report.

On December 31, 2018, the undersigned officer attempted to contact Mr. Heartburg at his address of record. The undersigned officer contacted another resident of the home and it was disclosed Mr. Heartburg has not been at the residence for a couple of weeks. The undersigned's business card was left with written instructions for Mr. Heartburg to report by 2 p.m. on December 31, 2018. Mr. Heartburg again failed to report.

Mr. Heartburg's current whereabouts are unknown at this time and it appears he has absconded from supervision. Multiple voice mails and text messages were sent without a response from Mr. Heartburg.

On August 27, 2018, Mr. Heartburg's conditions of supervision were reviewed with him, relative to case number 2:04CR00061-WFN-1. He signed his conditions, acknowledging an understanding of his conditions, to include standard condition number 2, requiring him to report to the probation officer.

2

Standard Condition # 5: You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change

Supporting Evidence: Mr. Heartburg is alleged to have violated standard condition number 5 by failing to notify the undersigned officer of a change in his living situation.

On December 31, 2018, the undersigned officer attempted to contact Mr. Heartburg at his residence of record. A resident informed the undersigned officer that Mr. Heartburg has not stayed at the residence for "a couple of weeks." It was also reported Mr. Heartburg had not stayed at the residence since the last time the undersigned contacted Mr. Heartburg at the residence, which was on December 18, 2018. The resident didn't know of Mr. Heartburg's current whereabouts.

On August 27, 2018, Mr. Heartburg's conditions of supervision were reviewed with him, relative to case number 2:04CR00061-WFN-1. He signed his conditions, acknowledging an understanding of his conditions, to include standard condition number 5, requiring him notify the undersigned officer prior to any change in his residence.

3

Standard Condition # 9: If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

Supporting Evidence: Mr. Heartburg is alleged to have violated standard condition number 9, by failing to notify the undersigned officer of his law enforcement contact on December 24, and 27, 2018.

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On December 24, 2018, Spokane County Sheriff's deputies conducted a traffic stop after Mr. Heartburg ran a red light. Mr. Heartburg was cited for 3rd degree driving without a license. On December 24, 2018, the undersigned officer received a voice mail from the Spokane County Sheriff's deputy advising the undersigned officer of his contact with Mr. Heartburg.

On December 27, 2018, Mr. Heartburg was again contacted by Washington State Patrol after being pulled over on a traffic violation. A passenger in Mr. Heartburg's vehicle was arrested after attempting to provide a false name.

At no time did Mr. Heartburg make any attempt to contact the undersigned officer to report his contact with law enforcement on December 24, and 27, 2018.

On August 27, 2018, Mr. Heartburg's conditions of supervision were reviewed with him, relative to case number 2:04CR00061-WFN-1. He signed his conditions, acknowledging an understanding of his conditions, to include standard condition number 9, requiring him to notify the probation officer within 72 hours of being arrested or questioned by law enforcement.

The U.S. Probation Office respectfully recommends the Court issue a **WARRANT** requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/31/2018

s/Corey M. McCain

Corey M. McCain
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer


Date